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|--|-------------|----------------------|---------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/941,002 | 08/28/2001 | Fernando A. Mujica | TI-32858 | 6209 |
| 7590 | 02/18/2005 | | EXAMINER | |
| Dennis Moore at Texas Instruments, Incorporated P.O. Box 655474, M/S 3999 Dallas, TX 75265 | | | PHU, PHUONG M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2631 | |

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,002

Applicant(s)

MUJICA ET AL.

Examiner

Phuong Phu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 7-10 and 16-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 7 and 16 recite the limitation "a second clock modifier having an input for receiving said local clock signal and operable to apply a second phase modifier to said local clock signal responsive to said issued correction signal in combination with said first clock modifier applying said first phase modifier". This limitation is not disclosed in the specification.

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Claims 8 and 17 recite the limitation "said second clock modifier introduces a greater phase clock jitter to said local clock signal than a clock jitter introduced by said first clock modifier". This limitation is not disclosed in the specification.

Claims, (if any, depended on above claims), are also rejected with the above corresponding reasons.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kovacs et al (5,646,968).

-Regarding to claims 1, 2 and 11, see figures 2, 3 and 5, and col. 4, line 16 to col. 7, line 28, Kovacs et al discloses a system (see figure 2) comprising:

a signal converter (24) having an input for receiving a data signal (10) and operable to convert said data signal at a sampling frequency responsive to a synchronized clock signal (outputted from means (43));

a phase estimator (26, 28) having an input for receiving a phase information (outputted from means (24) corresponding to a remote clock signal (36) and operable to determine a phase error with respect to said remote clock signal, said phase estimator further operable to translate said phase error for timing correction of a local clock signal (outputted from means (30)) and

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issue a corresponding correction signal (outputted from means (26 or 28)) (see col. 4, line 18 to col. 5, line 20); and

a first clock modifier (42, 30) (see figures 2 and 3) having an input (of means (52)) (see figure 3) for receiving said local clock signal (Clock signal) and operable to apply a first phase modifier responsive to said issued correction signal (80) (see figure 3), said first clock modifier further having an output (outputted from means (30) (see figure 2) coupled to said signal converter for issuing the synchronized clock signal (see col. 5, lines 20-67).

-Regarding to claims 3 and 12, Kovacs et al discloses that said first clock modifier further includes a delay line (D1, ..., D6) (see figure 3) having a plurality of delay elements, wherein each delay element introduces a predetermined phase shift (referred to the claimed limitation "predetermined clock jitter") to said local clock signal (see col. 5, lines 21-67).

-Regarding to claims 4 and 13, Kovacs et al discloses that clock jitters are applied to said local clock signal in an equal distribution over a time duration (0.0-2.4 seconds) (see (100, 102 and 105) of figure 4, and col. 6, line 1 to col. 7, line 3).

-Regarding to claims 5 and 14, Kovacs et al discloses that said delay elements are serially coupled (see figure 3).

-Regarding to claims 6 and 15, Kovacs et al discloses that said first clock modifier further includes a phase selector having an input for receiving a tapped (66,..., 76) (see figure 3) coupling from each of said delay elements, a serial coupling of all delay elements (D1,..., D6) (see figure 3), and said local clock signal (Clock Signal) (see figure 3), wherein said phase selector is further operable to select a clock jitter responsive to said issued correction signal

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(Phase Error) (see figure 5) (outputted from means (26)) (see figures 3 and 5, and col. 5, line 22-67 and col. 7, lines 4-29).

Allowable Subject Matter

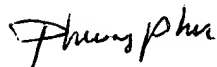
6. Claims 19 and 20 allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 571-272-3009. The examiner can normally be reached on M-F (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phuong Phu
1/27/05

PHUONG PHU
PRIMARY EXAMINER

Phuong Phu
Primary Examiner
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